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	<b>Subject/Title:</b> Best AWOLP practices for DHS, Private Agency, and Court	
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This Communication Issuance outlines current procedures and offers best practices for child welfare agencies and local courts to locate and protect children who are Absent Without Legal Permission (AWOLP) from their foster placement. The Child Welfare League of America defines a child missing from foster care if he or she "is not in the physical custody of the child welfare agency or the person or institution with whom the child was placed." In 2012, 786 foster children in Michigan were AWOLP from care on at least one occasion. To ensure their safe return, AWOLP policy and procedure requires interagency collaboration between DHS/Placement Foster Care (PAFC) Agencies, local courts, State Court Administrative Office (SCAO), local law enforcement agencies, and the Michigan State Police. AWOLP practices/policies need to be consistently implemented by DHS/PAFC to achieve unified responses and interventions across jurisdictions. Current AWOLP policy is located in the DHS Foster Care Manual FOM 722-3, accessed via the DHS public website at <http://www.mfia.state.mi.us/olmweb/ex/html/>

This issuance is being distributed, in collaboration with SCAO, to local courts and DHS/PAFC child welfare staff. Attached is a summary of AWOLP case processes required by courts as well as DHS/PAFC caseworkers.

### **BEST PRACTICES**

A work group of multiple agencies and stakeholders identified. In addition to the following best practice recommendations for court and DHS/PAFC child welfare staff when handling AWOLP cases.

#### **Regular Review of MCAP AWOLP Reports**

In 2009, SCAO created an AWOLP web application that courts and DHS may jointly access to track and update the status of an AWOLP child's case. The AWOLP web application is available through SCAO's Michigan Court Application Portal (MCAP). Circuit court administrators control access to the AWOLP application by authorizing user access and submitting new user requests to SCAO for the assignment of a user name and password. DHS and PAFC staffs may obtain access to the AWOLP application by submitting a request for user access to the local circuit court administrator. Once provided with access, caseworkers may use the system to enter critical information about their efforts to locate the missing child.

A brief training manual on using the Court AWOLP web application can be accessed on SCAO's website at:

<http://courts.mi.gov/Administration/SCAO/Resources/Documents/Publications/CWS/AWOLP/AWOLPTRainingManual.pdf>

WebEx training on the AWOLP application is also available through SCAO's Child Welfare Services Division. WebEx training provides your staff with interactive online training about the AWOLP application and reports by SCAO staff.

- Court: Court administrators should provide caseworkers access to the Michigan Court Administration Portal (MCAP) AWOLP web application. This will allow for detailed data entry of search efforts and the creation of reports for court hearings. This will also ensure that the court has immediate access to the most current case information to find the child as quickly as possible.
- Court & DHS/PAFC: During the second week of the month, the court and agency AWOLP contacts should review the MCAP reports to determine when LEIN listings are due to expire, ensure that active efforts to locate the child have occurred and are updated in the report comments section, and verify that all required information has been accurately entered. A quick way to check for missing information is to run the Missing AWOLP Information Report available in MCAP.
- Court & DHS/PAFC: To implement a successful, coordinated AWOLP plan, consistent and open communication is needed between the court and agency AWOLP contacts regarding any report errors or new/missing information.

#### **During an Active AWOLP Episode**

- Court: An apprehension order issued by the court should not involve opening a juvenile delinquency file unless there has been a crime committed by the child. A foster child should not be held in a detention center for a status offense such as running from placement. Instead, the apprehension order can specify that the child be returned to DHS for care and custody, including the phone number of the child's caseworker and DHS/PAFC office.
- Court: Designate the same day(s) each month to hold all AWOLP hearings. This docketing system will allow caseworkers to set aside specified time in their schedules to participate in the hearings.
- DHS/PAFC: Diligent searches should occur frequently due to the unique risks posed to children while they are AWOLP (e.g., prostitution, victims of crime/violence, drug use, and abduction). Search efforts should be coordinated with local law enforcement agencies and documented in social work contacts of MISACWIS.
- DHS/PAFC: The assigned caseworker should be present at all AWOLP hearings to update the court and others stakeholders about the diligent efforts taken to locate the child, share ideas, and provide information.
- DHS/PAFC: Caseworkers are able to use the MCAP AWOLP Incident Report for Child feature to print a summary of the information about a child which is formatted in an easy-to-read report suitable for taking to court hearings. When used collaboratively, MCAP's AWOLP web application allows all stakeholders involved to share the most current and detailed information.
- DHS/PAFC: The caseworker is able to include additional information in the "Comments" section of MCAP. They can document diligent efforts to locate the child such as police contact, family contact, mass media searches, phone conversations, and face-to-face meetings with other case providers.
- DHS/PAFC: The caseworker should maintain frequent contact with the child's family and friends during the time the child is AWOLP. Weekly checks and thorough inquiries with the child's extended family and friends who may be harboring the child are recommended.
- Court & DHS/PAFC: Updates about search efforts and newly acquired information should occur frequently between the caseworker, law enforcement, the L-GAL, and the courts. Recent photos of the child should be kept on file and the AWOLP database should be updated as new information is learned.

### **Post-AWOLP Episode (Child Has Been Located)**

- DHS/PAFC: Ensure the child is removed from LEIN as soon as the child is found. This information must also be updated in the AWOLP application by the court unless other local arrangements have been made.
- DHS/PAFC: A MiTEAM Family Team Meeting should be held within 3 business days of a child returning from AWOLP, and any time the child is at risk of not returning to his/her placement.
- DHS/PAFC: A debriefing interview should be conducted by someone with whom the child trusts and can be open about why he/she ran and what events occurred during the AWOLP episode (with guidance from caseworkers). This information should be documented in MCAP for future prevention and/or assistance if the child is reported missing again.
- Court & DHS/PAFC: The child's placement, services, and permanency goals should be assessed to ensure they are still appropriate. Update addresses as necessary in response to the AWOLP episode. The child's input is critical to avoid future episodes.

### **Preventing AWOLP Episodes**

The following are tips and best practices that can be used to help prevent children from becoming AWOLP.

- Maintenance of a child's family connections while in care should be a priority. Visitation with siblings and other caring adults who provide emotional support to the child should occur frequently while the child is in foster care to prevent running episodes.
- Placement options should be made available for young mothers in foster care with children.
- Children should receive appropriate and tailored support services while in care (e.g., drug/alcohol treatment, mental health services, employment assistance, educational stability and support, and transitional support for older children), regardless of permanency goal.
- Specialized services should be directed toward children who have "running" histories.
- Older children should be given the chance to be self-advocates. They should be provided all pertinent information regarding their case, such as the services that are available to them. They should also have a voice in court proceedings and placement decisions.
- Older children should be given opportunities for leadership and responsibility such as participation in Michigan Youth Opportunities Initiatives where available, to connect to other youth in similar situations, to participate in community activities through church or sports teams, to mentor younger children, etc.
- Residential facilities should develop individualized case plans and treatment interventions that combine counseling, activities, and systems of reward and consequences. Children engaged in and benefiting from residential placements will be less likely to run from that placement.
- Caseworkers and L-GALs must ensure that each child has at least one stable and caring adult present in his or her life.

*Attachment: AWOLP Case Processing Requirements For Supervising Agencies and Courts*

# AWOLP CASE PROCESSING REQUIREMENTS FOR SUPERVISING AGENCIES & COURTS

## A. Courts

In 2002 the Michigan Supreme Court issued Administrative Order 2002-4, which required each circuit court to establish a plan for reviewing cases involving children who are AWOLP through local administrative order (LAO). The LAO must establish a special docket or other expedited review process through the exercise of dispositional review hearings, formal status conferences, or emergency status reviews. The LAO must also:

- Identify the judge responsible for ensuring compliance with the AWOLP plan.
- Address the coordination of efforts between the court and DHS to locate absent children.
- Describe the process for reviewing AWOLP cases.
- Address any special problems the court has identified.
- Describe the court's procedures for obtaining information regarding the whereabouts of absent children and promptly scheduling a hearing to determine their legal status.
- Describe the court's procedures for giving priority to cases involving children ages 15 and younger, particularly if the child may have been abducted.

Each court should designate a contact person for AWOLP who is responsible for maintaining the AWOLP web application system information, receiving e-mail updates from SCAO, and serving as liaison with DHS.

## B. DHS/PAFC

- Current AWOLP policy can be obtained from the DHS Foster Care Manual FOM 722-3 page 39 at <http://www.mfja.state.mi.us/olmweb/ex/fom/722-3.pdf>. An update to the AWOLP policy will be implemented subsequent to the implementation of MiSACWIS and includes instruction on obtaining permission to publish a youth on the Michigan's Child Locator website.
- Upon notification of a child's AWOLP status, the assigned caseworker must file a missing person report with local law enforcement, update placement information in MiSACWIS, complete the DHS form 3198-A (Unauthorized Leave Report) and provide a copy to the court, local law enforcement and the case file.

- If the child is under the age of 17, the caseworker must complete the DHS-710 (Clearance to Publish Children AWOLP on DHS Web). Completion of the form requires signature of the following:

**Temporary Court Wards**

- Legal parent or guardian
- If parent or guardian is not available or is uncooperative, the court of jurisdiction

**Permanent Court Wards:** the court of jurisdiction

**MCI Wards:** the MCI Superintendent

Upon completion, the caseworker forwards the DHS-710 to the Child Locator Centralized Unit either by fax 517-335-7789 or by e-mail to Jenelle Ruf, Departmental Analyst, at [RufJ@michigan.gov](mailto:RufJ@michigan.gov). The child's picture is then posted on the DHS website to assist with the location and return of the child. Youth who are age 17 years old are eligible for placement on the DHS website; however, DHS policy does not require it.

## **WEB APPLICATION-MICHIGAN COURT APPLICATION PORTAL**

In 2009, to improve case management, SCAO created an AWOLP web application that courts and DHS may jointly access to track and update the status of an AWOLP child's case. The AWOLP web application is available through SCAO's Michigan Court Application Portal (MCAP). Circuit court administrators control access to the AWOLP application by authorizing user access and submitting new user requests to SCAO for the assignment of a user name and password. DHS and private agency child welfare staff may obtain access to the AWOLP application by submitting a request for user access to the local circuit court administrator. Once provided with access, caseworkers may use the system to enter critical information about their efforts to locate the missing child.

A brief training manual on using the Court AWOLP web application can be accessed on SCAO's site at:

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## DATA ENTRY & DATA SHARING

### A. DHS/PAFC Process

1. Upon initial identification and determination that a child is AWOLP, the caseworker updates the child's placement information in MiSACWIS (previously SWSS FAJ) within 24 hours of notification. Each week, DTMB e-mails SCAO a spreadsheet with the names of AWOLP children. SCAO uploads the identifying information into the AWOLP web application (MCAP). When an AWOLP child is located, or is still missing but removed from AWOLP status (due to maximum benefits of service, maximum jurisdictional age, or another specified reason), the caseworker updates placement information in MiSACWIS. Because MiSACWIS and MCAP are separate, the updated case status information must also be manually entered into the AWOLP application.
2. Some local courts may require the assigned case worker to update MCAP with efforts to locate a missing youth. The benefit to this includes the ability to generate an AWOLP report for court, quick access to summary of hearings, information on prior AWOLP incidents and Law Enforcement Information Network (LEIN) expiration date. Caseworkers who are not required to enter this information may request this access to obtain these benefits.
3. In addition to the reporting requirements of the MiSACWIS system and MCAP, "Suzanne's Law" requires collaboration between federal, state, and local law enforcement agencies to report each case of a missing person under the age of 21 to the National Crime Information Center at the U.S. Department of Justice. The law further requires the reporting of every AWOLP case in the state's LEIN, as well as prohibits state law enforcement agencies from maintaining a policy requiring the observance of any waiting period before accepting a missing child report. Lastly, the law requires that these reports be entered into National Crime Information Center and LEIN by law enforcement within two hours of receipt.

Therefore, once caseworkers discover that a child is AWOLP, they must promptly file a missing person report with the local law enforcement agency to ensure the appropriate reporting mechanisms are activated, *including children between the ages of 17 and 21*. Entry into the LEIN system requires the AWOLP child to be categorized as missing and endangered.

If the local law enforcement agency will not enter an AWOLP child into LEIN, the caseworker should contact Michigan State Police representative Kevin Collins, Manager of LEIN Field Services, Audit and Training Unit, at [collinsk@michigan.gov](mailto:collinsk@michigan.gov) or (517) 241-0461.

4. In addition to law enforcement notification, the caseworker should ensure notification is provided to the National Center for Missing and Exploited Children, the legal guardian ad litem, and family members. After proper entry into MiSACWIS,

filing a missing person police report, and appropriate notifications, the caseworker is required by DHS policy to request that the court enter an apprehension order to ensure the child is placed into custody if obtained by police. Custody does not mean the child must be placed in a juvenile detention center when no crime has been committed. The court can enter the DHS on-call number on the order to enable DHS to pick up the child when the child has been located.

5. When the child has been located and the court does not have direct access to remove the child from LEIN, the DHS case worker must contact local law enforcement to notify them the child has been located and request the removal of the child from LEIN. If the worker does not immediately update the AWOLP application, the worker should provide the LEIN cancellation date to the court so the court can update the AWOLP application properly.

#### **B. Court Process**

1. Each time a spreadsheet is imported into the AWOLP application, all court and DHS AWOLP contacts receive e-mail notification of any new missing children. In addition, at the beginning of each month, AWOLP contacts receive an e-mail reminder to provide status updates in the AWOLP application and indicate whether a specific child continues to be missing at the end of the previous month.
2. When a child is located, or when the court terminates jurisdiction, the court should immediately update the AWOLP application to reflect the resolved status. This update will dispose of the child's record and remove it from the court's list of active cases. When updating the status information, the court's designated AWOLP person should check the designated box to indicate the child was removed from LEIN. If the court does not have access to directly remove the child from LEIN, the date the child was removed from LEIN by law enforcement must be obtained from the DHS worker and entered into the AWOLP system.
3. The court is responsible for maintaining the accuracy of the MCAP information and ensuring that cases are promptly closed within the system. Running the Missing AWOLP Information Report (see description below) monthly provides a quick overview of the case information that is needed to ensure thorough case management and accurate data entry.